

LATHAM & WATKINS LLP

Mark A. Flagel (Bar No. 110635)

Robert Steinberg (Bar No. 126407)

John D. Minton (Bar No. 223823)

140 Scott Drive

Menlo Park, CA 94025

Telephone: (650) 328-4600

Facsimile: (650) 463-2600

Email: mark.flagel@lw.com

Attorneys for Plaintiff and Counterclaim Defendant  
MONOLITHIC POWER SYSTEMS, INC.

SQUIRE, SANDERS & DEMPSEY L.L.P.

Nathan Lane, III (Bar No. 50961)

Joseph A. Meckes (Bar No. 190279)

One Maritime Plaza, Suite 300

San Francisco, CA 94111

Telephone: (415) 954-0200

Facsimile: (415) 393-9887

Email: nlane@ssd.com

Attorneys for Defendant and Counterclaimant  
TAIWAN SUMIDA ELECTRONICS, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

MONOLITHIC POWER SYSTEMS, INC., a  
Delaware corporation,

Plaintiff,

v.

TAIWAN SUMIDA ELECTRONICS, INC.,  
a Taiwan corporation,

Defendant.

CASE NO. C 05-3522 CW

**STIPULATED REQUEST FOR ORDER TO  
SHORTEN TIME ON HEARING  
REGARDING MOTION TO STAY  
PROCEEDINGS; ORDER GRANTING AS  
MODIFIED**

**[L.R. 6-2]**

Date: n/a

Time: n/a

Courtroom: 2

Judge: Hon. Claudia Wilken

**AND RELATED COUNTERCLAIMS**

Pursuant to Civ. L. R. 6-2, the parties to the above-captioned action hereby stipulate to an order shortening the time for the Court to hear Monolithic Power Systems, Inc.'s ("MPS") motion to stay proceedings ("Stay Motion"). Pursuant to Civ. L. R. 7-2, a motion shall be heard no less than 35 days after service. In this case, the earliest date for hearing the Stay Motion under the usual notice procedures would be July 12, 2007, but due to the Court's unavailability from July 2, 2007 through July 20, 2007, the next available hearing date would be July 26, 2007, just over two weeks before the trial in this action is scheduled to begin. For the reasons set forth below, the parties stipulate that, subject to Court approval, the hearing on the Stay Motion be scheduled for 2:00 p.m. on June 28, 2007. The parties further request that the deadline for defendant and counterclaimant Taiwan Sumida Electronics, Inc. ("TSE") to file its opposition papers be June 19, 2007 and the deadline for MPS to file its reply papers be June 22, 2007.

### **STIPULATION**

WHEREAS,

1. Concurrently with the filing of this Stipulation, MPS intends to file a motion to stay proceedings in the instant action. MPS believes that a stay is appropriate because approximately \$7 million in liability TSE seeks to impose on MPS in this action will likely be nullified because it is based on the alleged infringement by TSE of the same claims of US Patent No. 6,396,722 that were recently found by a jury to be invalid in O2 Micro International Ltd., v. Monolithic Power Systems, Inc., et al., Case Nos. C 04-2000 and C 04-2929. MPS believes that, once the verdict against TSE, now on appeal to the Federal Circuit, is nullified, the remaining dispute between MPS and TSE will be quickly settled without the expense of and need for a trial.

2. TSE, for its part, disagrees that the appeal will make settlement any easier than it is today. Instead, any stay will simply postpone resolution to a later date. TSE further submits that the delay MPS intends to seek (which can easily exceed 18 months to two years) will substantially prejudice TSE in the prosecution of its counterclaims against MPS and in obtaining a final resolution of a case that was filed in August 2005;

3. Pursuant to Civ. L. R. 7-2, and because of the unavailability of the Court from July 2, 2007 to July 20, 2007, the earliest Stay Motion hearing date under the usual notice rules would be July 26, 2007;

4. Pursuant to the Court's Order for Pretrial Preparation, pretrial preparations will need to be completed on or before July 26, 2007; thus, MPS requests that the Stay Motion be heard and decided at the earliest possible time. While TSE intends to oppose the motion (and further believes that the Court should issue its rulings on the pending summary judgment motions before taking up MPS's Stay Motion), TSE is willing to enter into this stipulation shortening time as an accommodation to MPS and its counsel;

4. The parties have agreed that, should the Court enter this Stipulation and schedule the hearing on the Stay Motion for June 28, 2007, TSE's opposition brief will be due on June 19, 2007, and MPS's reply brief will be due on June 22, 2007.

NOW, THEREFORE,

The parties hereby STIPULATE that the hearing on the Stay Motion be scheduled for 2:00 p.m. on June 28, 2007, and the filing deadlines for the Stay Motion's opposition and reply papers be set to June 19, 2007 and June 22, 2007, respectively.

Dated: June 6, 2007

Respectfully submitted,

LATHAM & WATKINS LLP

By: /s/  
Mark A. Flagel

Attorneys for Plaintiff and Counterclaim  
Defendant MONOLITHIC POWER SYSTEMS,  
INC.

Dated: June 6, 2007

Respectfully submitted,

SQUIRE, SANDERS & DEMPSEY L.L.P.

By: /s/  
Joseph A. Meckes

Attorneys for Defendant and Counterclaimant  
TAIWAN SUMIDA ELECTRONICS, INC.

1 Filer's Attestation: Pursuant to General Order No. 45, § X(B), I attest that concurrence in  
2 the filing of this document has been obtained from its signatory.

3 Dated: June 6, 2007

4  
5 \_\_\_\_\_ /s/  
Mark A. Flagel

6  
7 **ORDER**

8 The Court having considered the parties' stipulation to shorten time, and good  
9 cause appearing, IT IS HEREBY ORDERED that the request is GRANTED. The filing  
10 deadlines for the Stay Motion's opposition and reply papers are June 19, 2007 and June 22,  
11 2007, respectively. **The matter will be decided on the papers.**

12 PURSUANT TO STIPULATION, IT IS SO ORDERED.

13 6/8/07

14 DATED: \_\_\_\_\_

15  
16 

17 \_\_\_\_\_  
The Honorable Claudia Wilken